United Nations A/72/138

General Assembly

Distr.: General
14 July 2017

Original: English

Seventy-second session
Item 147 of the provisional agenda*
Administration of justice at the United Nations

Activities of the Office of the United Nations Ombudsman and Mediation Services

Report of the Secretary-General

Summary

In its resolution 71/266, the General Assembly reaffirmed that the informal resolution of conflict is a crucial element of the system of administration of justice and recognized that the informal system of administration of justice is an efficient and effective option for both staff and managers participating in the process.

The present report covers the activities of the Office of the United Nations Ombudsman and Mediation Services for the period 1 January-31 December 2016. The Office provides informal conflict resolution services to the Secretariat, funds and programmes (United Nations Children's Fund, United Nations Development Programme, United Nations Population Fund, United Nations Office for Project Services and United Nations Entity for Gender Equality and the Empowerment of Women) and the Office of the United Nations High Commissioner for Refugees (UNHCR), constituting the three pillars of the Office.

The report contains statistical analysis of data gathered from all three pillars, while focusing primarily on Secretariat-specific activities, including the dispute resolution services offered to staff, outreach activities to promote greater conflict competence among staff and managers and observations on systemic issues.[1]

* A/72/150.

[1] Detailed information on the activities undertaken specifically by the Ombudsman for the funds and programmes and the Office of the United Nations High Commissioner for Refugees (UNHCR) is provided in the annual reports made available on the respective intranet pages and/or websites.

17-11844 (E) 310717

Please recycle

I. Introduction

A. United Nations workplace

1. The United Nations is expected to address challenging situations from peace and security to environment and health; from free trade and human rights to employment and migration management. Given its complex mandate, staff members of the Organization find themselves increasingly exposed to hardship, security risks and physical and psychological health risks. While facing those external challenges, they also find themselves in the midst of several organizational reforms with transformational impact. United Nations staff must respond to all these demands and adapt to evolving needs and realities. In that context, having a positive work environment is essential. The Office of the United Nations Ombudsman and Mediation Services provides an important institutional capacity to prevent and/or resolve workplace conflicts and promote collaboration. Internal conflicts or disputes are inherent dynamics of organizations and can result from both internal and external factors. Furthermore, conflict and disagreements are often integral to participatory governance. However, unmanaged and/or ill-managed conflicts have a negative impact on an organization, its workforce and the constituencies it serves. They pose risks that could threaten the ability of an organization to achieve its strategic objectives.

B. Impact of conflict in the workplace

2. While it is essential for managers to have a solid understanding of the strategic direction of an organization, it is equally important to have a sense of the perceptions, feelings and attitudes of the employees if the goals of the organization are to be effectively met. Low morale and lack of motivation have a significant, negative impact on productivity and workplace conflict. Successful organizations understand the needs and desires of their employees and work to create a positive environment where people can thrive.

3. In 2016, in an effort to gauge and analyse the nature and impact of conflict in the United Nations workplace, the Office conducted confidential and anonymous pre-intervention surveys in 38 Secretariat offices, departments and missions in 19 countries. The survey was sent before a field office or a peacekeeping mission was visited by the Office, to initiate dialogue and identify the main workplace issues. More specifically, the survey explored the participants' perceptions of 18 workplace dimensions, which included, but were not limited to, the general working atmosphere, career development and equal opportunities, fair treatment and levels of trust and respect in the office.

4. A total of 1,060 employees took part in the survey (see section VI. B below). The results revealed that over 60 per cent of the staff who took part had experienced a workplace conflict in the preceding three months and that a similar proportion of respondents felt levels of stress above what they considered "acceptable". In addition, the participants spent an average of three hours per week dealing with conflict (see figure I).

Figure I
Workplace conflict in the Secretariat

60% of respondents experienced workplace conflict that hampered productivity and well-being

60% of respondents experienced levels of stress above what they considered "acceptable"

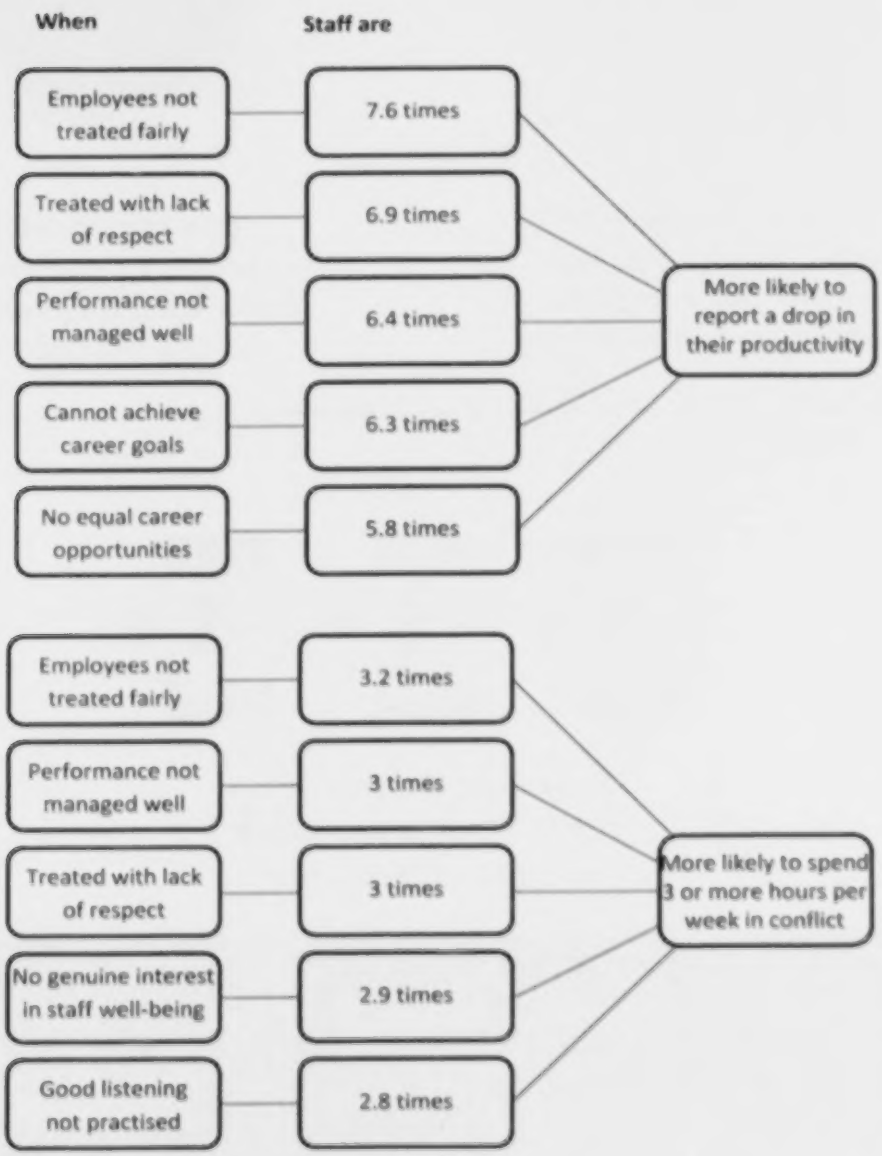
On average, respondents spent 3 hours per week dealing with conflict

Source: analysis of pre-intervention survey results on perceptions of workplace conflict, 2016
38 Secretariat offices, departments and missions in 19 countries

5. The survey identified 18 key workplace variables including fairness, respectful and effective management of low performance, listening, team spirit and respectful treatment, and calculated their risk ratio. The analysis in figure II shows the top five variables that increase the risk of conflict and loss of productivity.

Figure II

Analysis of 2016 pre-intervention survey results (1,060 respondents from 31 offices and missions in 19 countries)

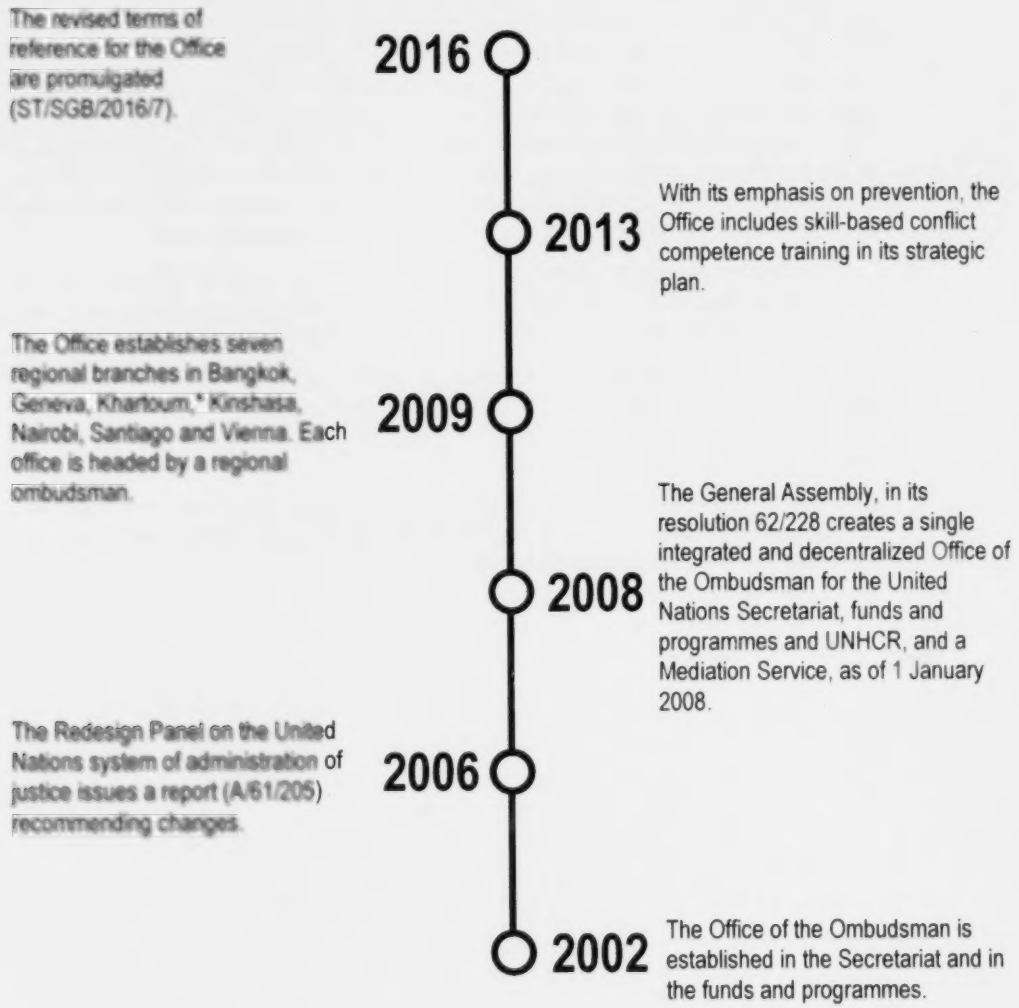


II. History, mandate and scope of coverage of the Office

6. The prevalence of conflict and its impact on productivity is common in many organizations. The current work of the Office to help address such issues began 15 years ago. In 2002, the United Nations resolved to establish a full-time, professional ombudsman programme. Its ongoing work and mandate seek to support employees as they endeavour to carry out the important mandate of the Organization.

A. Fifteen years of informal conflict resolution

Figure III[1]
The Ombudsman function in the United Nations, 2002-2016


2016
The revised terms of reference for the Office are promulgated (ST/SGB/2016/7).
2013
With its emphasis on prevention, the Office includes skill-based conflict competence training in its strategic plan.
2009
The Office establishes seven regional branches in Bangkok, Geneva, Khartoum,* Kinshasa, Nairobi, Santiago and Vienna. Each office is headed by a regional ombudsman.
2008
The General Assembly, in its resolution 62/228 creates a single integrated and decentralized Office of the Ombudsman for the United Nations Secretariat, funds and programmes and UNHCR, and a Mediation Service, as of 1 January 2008.
2006
The Redesign Panel on the United Nations system of administration of justice issues a report (A/61/205) recommending changes.
2002
The Office of the Ombudsman is established in the Secretariat and in the funds and programmes.

*Moved to Entebbe in 2011.

7. On 15 October 2002, the Office of the Ombudsman was established in the Office of the Secretary-General (see ST/SGB/2002/12). The first ombudsman for the funds and programmes was appointed in the same year.[2]

8. In January 2006, pursuant to General Assembly resolution 59/283, the Secretary-General established the Redesign Panel on the United Nations system of administration of justice. On 28 July 2006, the panel issued its report recommending, inter alia, the establishment of a strengthened and decentralized Office of the Ombudsman.[3]

9. In its resolution 62/228 on the administration of justice in the United Nations, the General Assembly reiterated its decision to create, as of 1 January 2008, a single integrated and decentralized Office of the Ombudsman for the United Nations Secretariat, funds and programmes and UNHCR. That decision also included the creation of a mediation service. The first joint report for the entities covered by the new Office (the three pillars), entitled Office of the United Nations Ombudsman and Mediation Services, was issued on 20 August 2009 (A/64/314).

10. The year 2009 was significant for the Office, as a regional presence was achieved through decentralization, with the establishment of seven regional offices with a dedicated ombudsman in each office. The Mediation Services, headquartered in New York, became fully operational also in that year. Furthermore, the reporting categories of the three pillars were harmonized and a common case database was adopted, working towards the harmonization of professional standards.

11. In 2012, the Office marked its tenth year of providing informal conflict resolution to staff in the Secretariat through a series of awareness-raising initiatives on the scope and benefits of the ombudsman and mediation services.

12. In 2013 a shift took place in the focus of the Office, as emphasis was put on conflict prevention. The Office included in its strategic plan the delivery of skill-based training to staff and managers with the objective of building conflict competence.

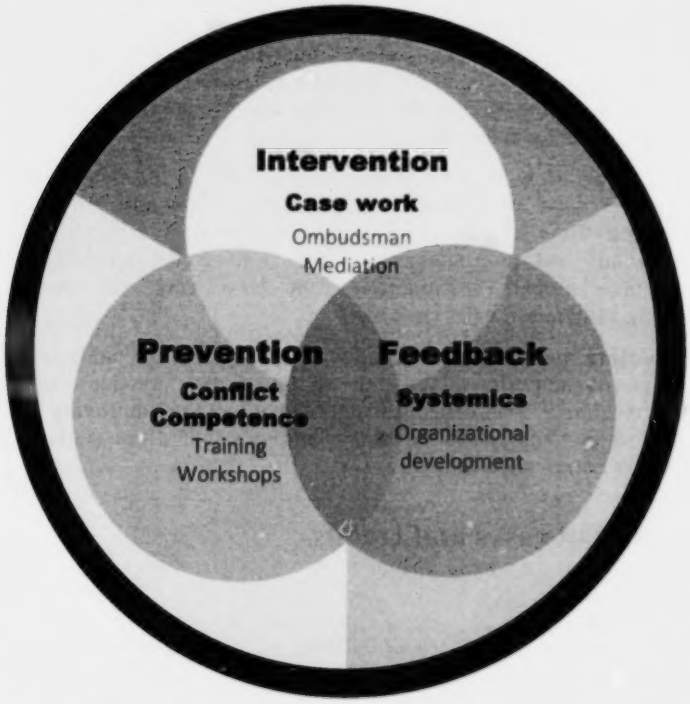
13. On 22 June 2016, following extensive consultation within its three pillars and between management and staff representative bodies, the Office welcomed the promulgation of its revised terms of reference (ST/SGB/2016/7).

[2] The first UNHCR mediator was appointed in 1993 and the position was retitled UNHCR Ombudsman on 1 January 2009.

[3] A/61/205 and Corr. 1.

B. Mandate of the Office

Figure IV
Strategic approach of the Office



14. As the designated informal conflict resolution resource, the Office is mandated to offer dispute resolution services, promote conflict competence and make recommendations for improvement based on systemic observations. The essential elements of those services are summarized below.

15. The Office offers dispute resolution services, such as facilitation, problem-solving, shuttle diplomacy, mediation and conflict coaching. Ombudsman and mediation services are provided on a case-by-case basis for individuals and/or groups, offering direct and in-person methods whenever possible and remote intervention when in-person intervention is not possible.

16. As a core part of its mandate, the Office monitors and identifies broad-based systemic issues, shares them collaboratively with key stakeholders and partners within the Organization, and makes recommendations based on its observations.

17. The Office aims to promote informal conflict resolution and develop conflict competence through thematic informational sessions and workshops, skills-building initiatives and individual coaching when dealing with cases. Conflict competence encompasses the knowledge, skills and attitudes that enable an organization and its employees to engage in conflict situations constructively at the individual level, in team settings and in the general organizational context.

C. Scope of coverage

18. The Office serves the constituencies of the following entities, grouped into three pillars, each of which was established and is administered by its respective entity or entities: (a) the Secretariat, (b) the funds and programmes and (c) UNHCR.

The funds and programmes include the United Nations Development Programme, the United Nations Population Fund, the United Nations Children's Fund, the United Nations Office for Project Services and the United Nations Entity for Gender Equality and the Empowerment of Women.

19. The Office, as established by the General Assembly in its resolution 62/228, has its headquarters in New York, which includes the Mediation Service. It has seven regional offices located in Bangkok, Entebbe (Uganda), Geneva, Goma (Democratic Republic of the Congo), Nairobi, Santiago and Vienna. Each regional office is served by a dedicated ombudsman.

20. The Office serves staff globally, both at Headquarters and in the field. Rapid response to cases in the field is provided by the regional ombudsmen or an ombudsman or mediator from Headquarters conducting a field mission. The ombudsmen for the funds and programmes and the Ombudsman for UNHCR provide services to their global constituencies from New York and Geneva respectively, conducting field missions as necessary.

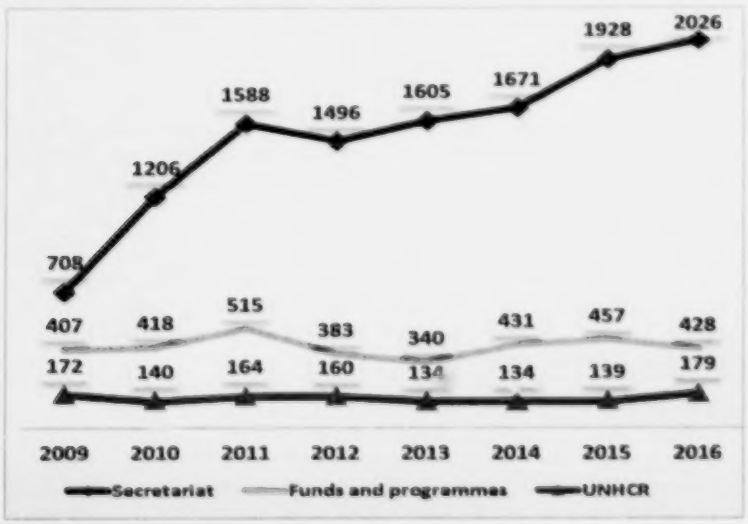
21. During the reporting period, ongoing collaborative activities undertaken between the three pillars of the Office included the sharing of best practices during regular case debrief meetings. The offices also collaborated on improving the commonly maintained case management system, enabling standardized statistical analysis and reporting on issues and trends.

III. Statistical overview of cases and trends

A. Case volume and trends

22. The Office opened a total of 2,633 cases in 2016, an increase of 10 per cent over the previous year.[4] Of those cases, 2,026 originated in the Secretariat, 428 in the funds and programmes and 179 in UNHCR (see fig. V). In the Secretariat, an overall upward trend in case volume has been observed over the last eight years. The funds and programmes and UNHCR have maintained a relatively steady case volume during the same period.

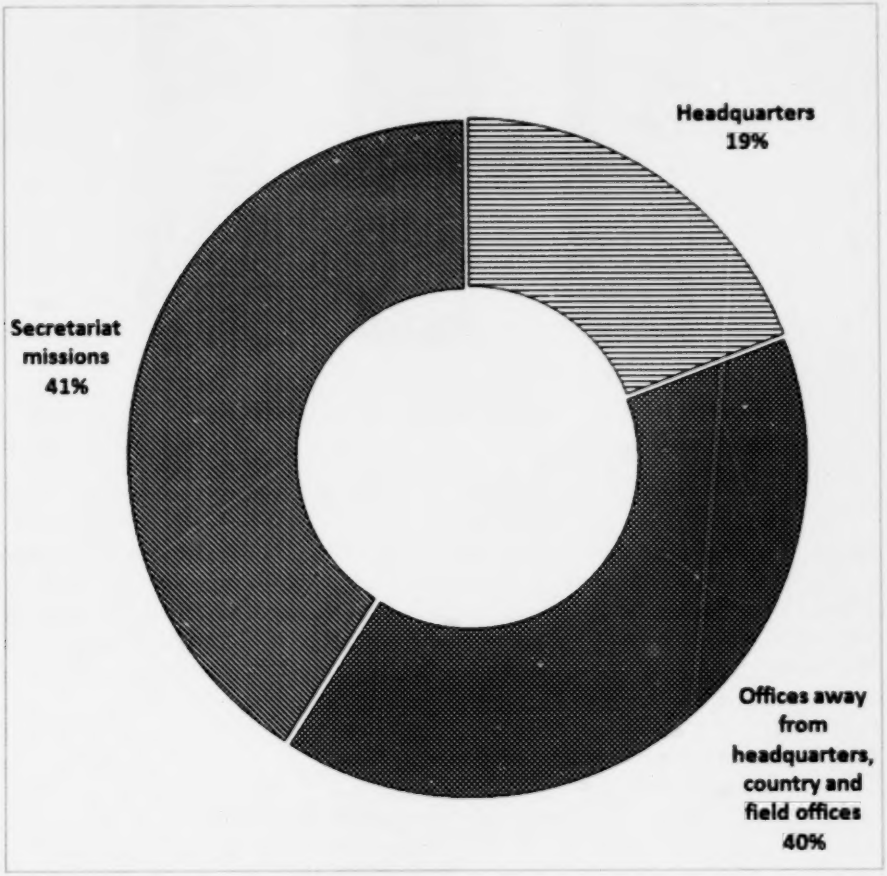
Figure V
Number of cases opened, 2009-2016



[4] Cases include all types of interventions, including mediation.

23. In 2016, 81 per cent of cases emanated from offices away from headquarters,[5] country and field offices and Secretariat peacekeeping and political missions. Of the cases received during the reporting period, 19 per cent were from headquarters locations (see fig. VI).

Figure VI
Distribution of cases by location, 2016

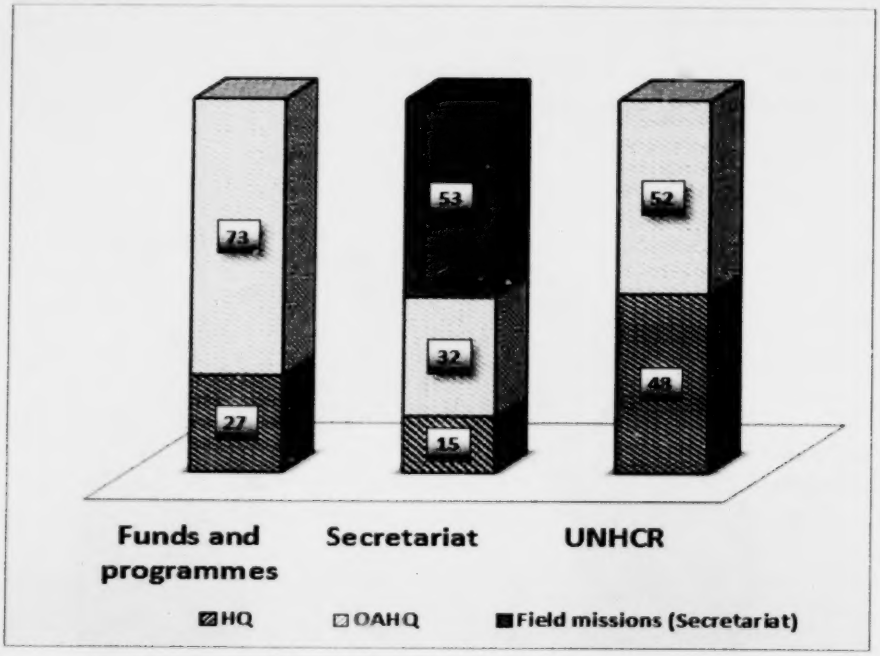


24. In 2016, for the Secretariat, 15 per cent of the cases were reported by staff at Headquarters, 32 per cent from offices away from Headquarters and 53 per cent from peacekeeping missions, including political missions.

25. For the funds and programmes, in 2016 27 per cent of the cases were from headquarters, while 73 per cent emanated from the country offices. During the same reporting period, 48 per cent of the UNHCR cases were from headquarters, while 52 per cent were from the field offices (see fig. VII).

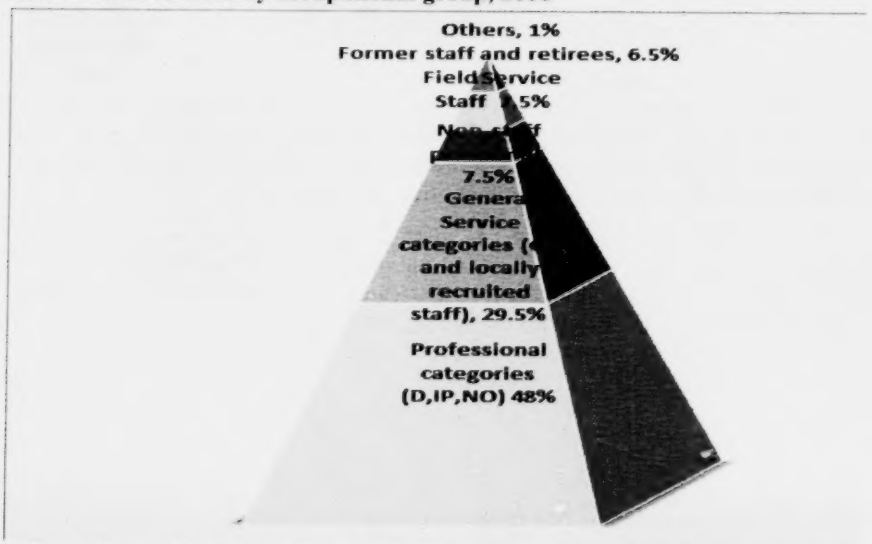
[5] Headquarters offices include New York for the Secretariat; New York and Copenhagen for the funds and programmes; and Geneva and Budapest for UNHCR. Offices away from headquarters include various field offices for the Secretariat, the funds and programmes and UNHCR. Field missions are peacekeeping and special political missions of the Secretariat.

Figure VII
Distribution of cases by location and by pillar, 2016 (percentage)



26. Of the total number of cases brought to the Office, 48 per cent were from staff in the professional categories, including international Professionals, National Officers and Directors and above; 29.5 per cent of the total were from the General Service category, including locally recruited support staff; 7.5 per cent were from field service staff; and 6.5 per cent were former staff and retirees (see figure VIII).

Figure VIII
Distribution of cases by occupational group, 2016



Abbreviations: GS, General Service; D, Director; IP, international Professional; NO, National Officer.

27. During the reporting period, 7.5 per cent of the cases emanated from categories of non-staff personnel. Section III. D below provides an analysis of the issues brought forward by this category of personnel in 2016.

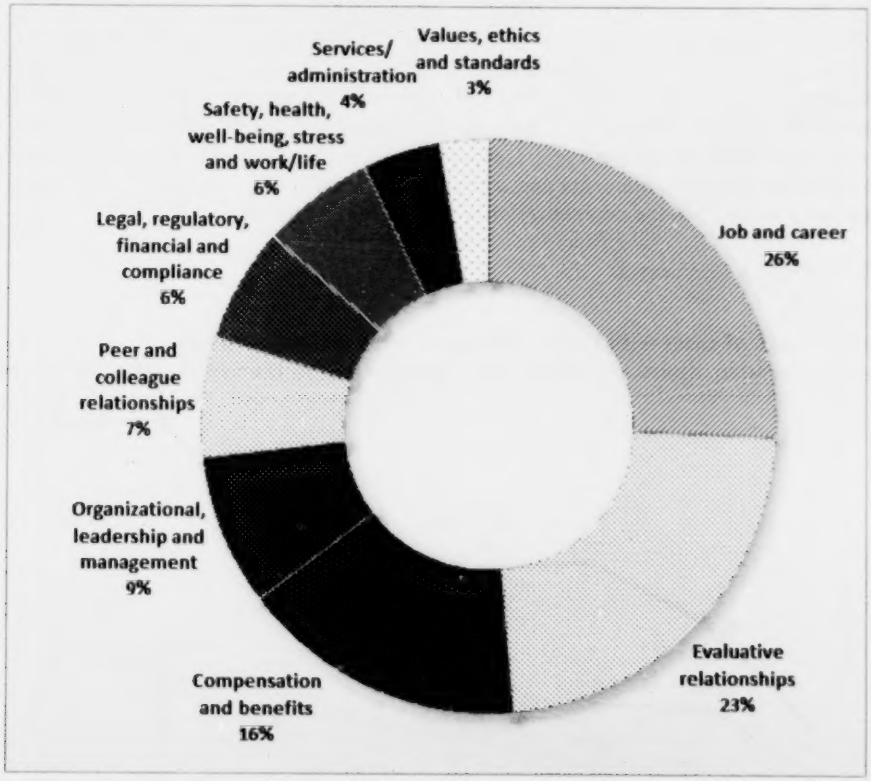
B. Issues and trends

1. Issues and trends

28. Since the Office was established 15 years ago, it has adopted a standard issue categorization system derived from the International Ombudsman Association to record and analyse issues brought forward. The system is shared by other organizations in the United Nations system.

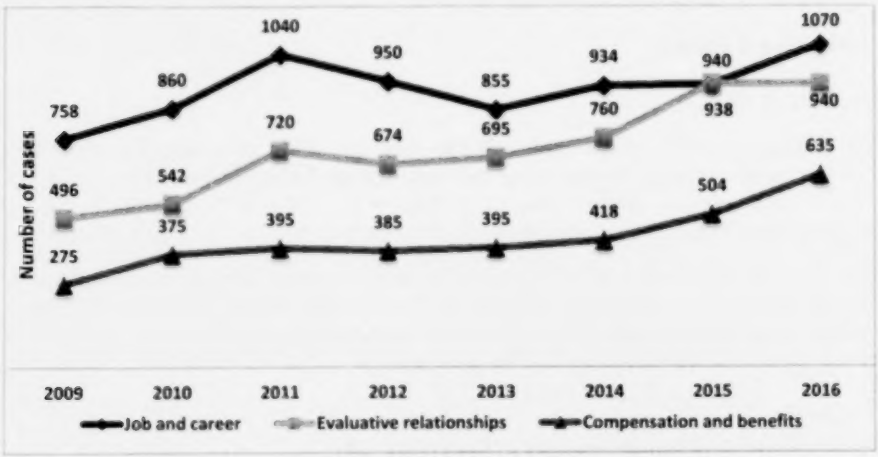
29. Figure IX provides an overview of the distribution of cases received during the reporting period by nine major categories of issues. The major categories are further divided into subcategories, which allow for more detailed analysis. An analysis of those issues and trends is found in the next section.

Figure IX
Breakdown of all issues brought to the Office, 2016


Values, ethics and standards 3%
Services/ administration 4%
Safety, health, well-being, stress and work/life 6%
Legal, regulatory, financial and compliance 6%
Peer and colleague relationships 7%
Organizational, leadership and management 9%
Compensation and benefits 16%
Evaluative relationships 23%
Job and career 26%

30. In a continuing trend from previous years, the top three issues reported to the Office in 2016 were job and career, evaluative relationships and compensation and benefits, respectively (see figure X).

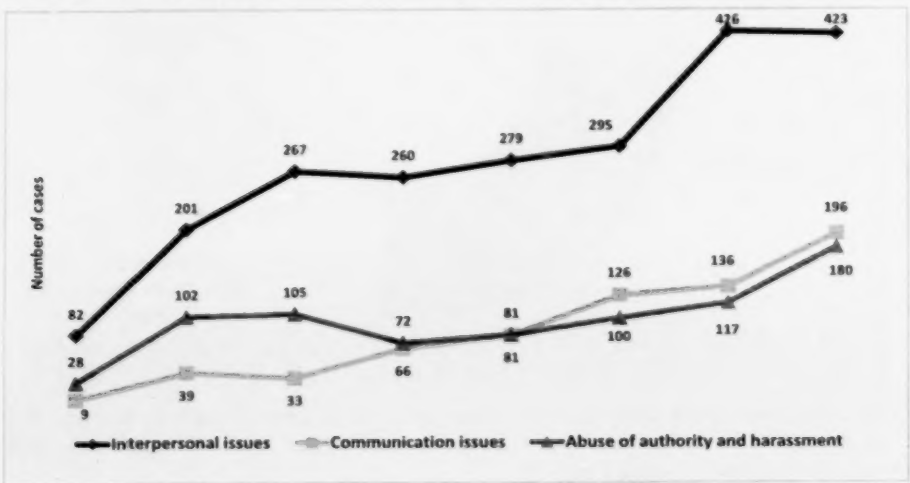
Figure X
Top three issues brought to the Office, 2009-2016



31. For Secretariat cases, an analysis of the job and career category for the reporting period shows that job application, selection and recruitment processes, career progression and opportunities, the abolition of posts and involuntary transfers/changes of assignment were the most reported issues. Evaluative relationship issues mostly involved respect, treatment and communication, as well as performance management and feedback. Pension, payroll administration, health insurance/medical entitlements and dependent benefits formed the major part of the concerns reported in the compensation and benefits category.

2. Trends in the Secretariat

Figure XI
Progression of cases with issues relating to interpersonal conflicts, communication, abuse of authority and harassment in the Secretariat, 2009-2016



32. Cases with issues pertaining to interpersonal conflicts, communication problems and perceived abuse of authority and harassment show a similar trend over time (see figure XI).

33. Issues ranging from poor communication skills to improper behaviour seem to have a link with the occurrence of interpersonal conflicts. Section V of the present report provides further systemic analysis of the issue of behaviour management and the negative impact on the Organization.

Figure XII

Progression of cases with issues relating to performance management and career development in the Secretariat, 2009-2016

34. The link between performance management and the career development of staff members is illustrated by the similarities in the trends seen over time (see figure XII).

35. When performance management and planning tools are not used to their full potential and there is a lack of adequate training, coaching and mentoring, staff members are likely to see an impact on their career progression and development. More detailed systemic analysis on this issue is found in section V below.

Figure XIII

Progression of issues: stress and leadership and management in the Secretariat, 2009-2016

36. Similarities are seen in the progression of the number of cases linked to stress and those involving complaints about leadership and management (see figure XIII).

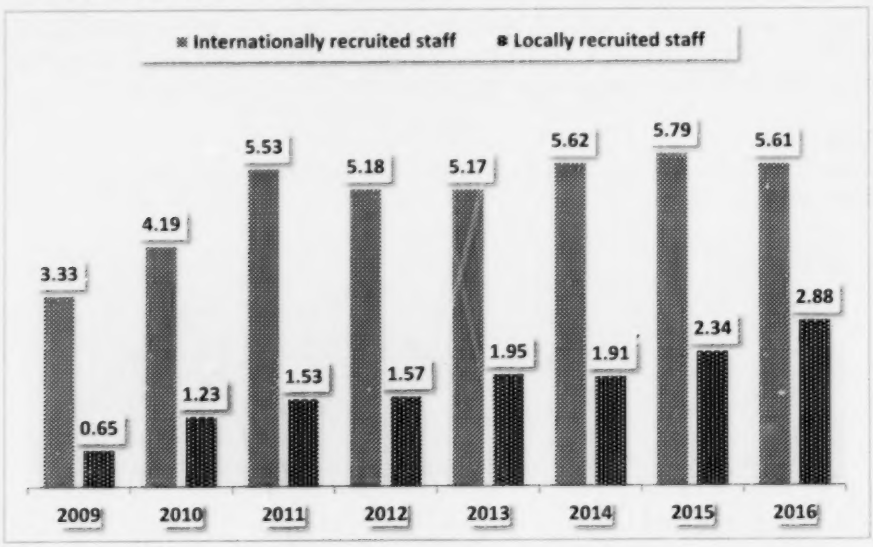
37. The leadership and management category includes concerns about the quality and/or capacity of management, leadership decisions, management styles, accountability and transparency, priority setting and/or funding. That may lead to the observation that quality of leadership and management style are factors which may impact on the psychological health and well-being of staff. That issue is further examined in section V below.

C. Utilization rates in the Secretariat

38. The utilization rate of the services of the Office shows the number of cases involving internationally or locally recruited staff as a percentage of the total population of internationally or locally recruited staff in the Secretariat. In the first group there are international Professionals, Directors (and above) and field service staff; whereas the locally recruited staff comprise General Service staff, locally recruited staff and national Professionals.

39. The utilization rate for internationally recruited staff showed a steep upward trend from 2009 to 2011 and thereafter stabilized at around 5.48 cases per 100 employees. The utilization rate for nationally recruited staff, albeit lower than that for internationally recruited staff shows a steady and significant increase over the years (see fig. XIV).

Figure XIV
Ombudsman and mediation services utilization rate in the Secretariat by category of staff, 2009-2016 (percentage)

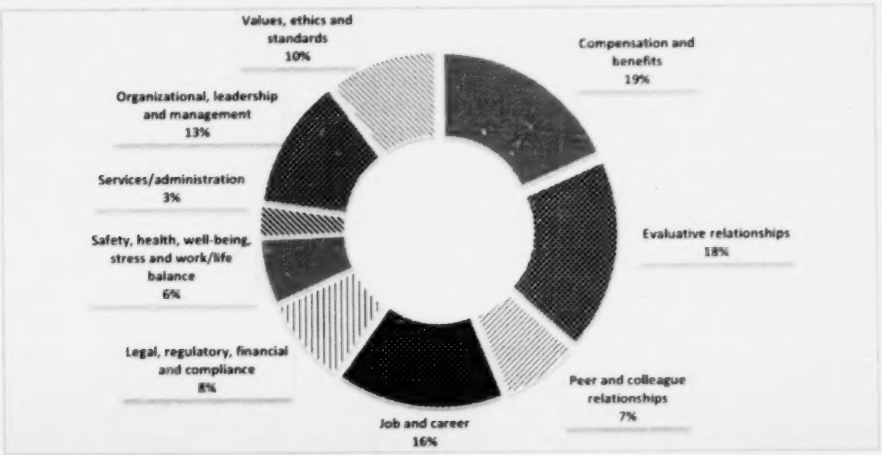


D. Issues raised by non-staff personnel[6]

40. During the reporting year, the top three areas of conflict brought to the Office by non-staff personnel were respectively compensation and benefits (19 per cent), evaluative relationships (18 per cent), and job and career (16 per cent).

41. More information on the issue of access to informal conflict resolution services for non-staff personnel can be found in section VII. B below.

Figure XV
Breakdown of issues reported by non-staff personnel, 2016


Values, ethics and standards 10%
Compensation and benefits 19%
Organizational, leadership and management 13%
Services/administration 3%
Evaluative relationships 18%
Safety, health, well-being, stress and work/life balance 6%
Legal, regulatory, financial and compliance 8%
Peer and colleague relationships 7%
Job and career 16%

IV. Mediation services

42. The creation by the General Assembly of a permanent mediation capacity at the United Nations for the informal resolution of workplace disputes was an important component of its reform of the internal justice system. It stemmed from the recognition that mediation plays a pivotal role in reconciling differences and therefore provides a more harmonious and collaborative work environment (see resolution 62/228, para. 24).

43. During the reporting year, the Mediation Service continued its engagement with key stakeholders in accordance with the priorities established in the strategic plan of the Office. In 2016, contacts were maintained with the United Nations Dispute Tribunal, the Management Evaluation Unit and the Office of Staff Legal Assistance in the context of ongoing efforts to enhance collaboration between the formal and informal systems.

44. The present section deals specifically with mediation cases, either referred by the Dispute Tribunal, or for which there was a formal agreement to mediate and, if settled, resulted in a written settlement agreement. In addition to those cases, the Office continued to facilitate dialogue between interested parties outside the structure of a classic mediation. The latter cases are not included in the analysis below.

[6] The Secretariat pillar of the Office is not mandated to serve non-staff personnel and does so only on an exceptional basis and when feasible within existing resources.

A. Mediation and the role of managers

45. At its seventy-first session, the General Assembly endorsed a set of recommendations contained in the report of the Interim Independent Assessment Panel and requested the Secretary-General to ensure their implementation, within existing resources, and to report thereon in the context of future reports (see resolution 71/266, para. 12). They included recommendation 33 of the Panel, in which it stressed the need to encourage managers to respond to mediation attempts positively and to be more proactive in initiating mediation processes (A/71/62/Rev.1).

46. Mediation is a voluntary process at the United Nations and so gaining agreement by both parties to participate in the mediation process is vital, as mediation cannot take place if one party declines to take part. By bringing parties together in a strictly confidential setting, a mediator facilitates a meaningful dialogue, allowing each party to feel that they have been heard and helping to uncover their underlying needs and interests, thus heightening the potential for an amicable resolution. The process also helps to repair working relationships and, in doing so, develops a long-lasting harmonious work environment.

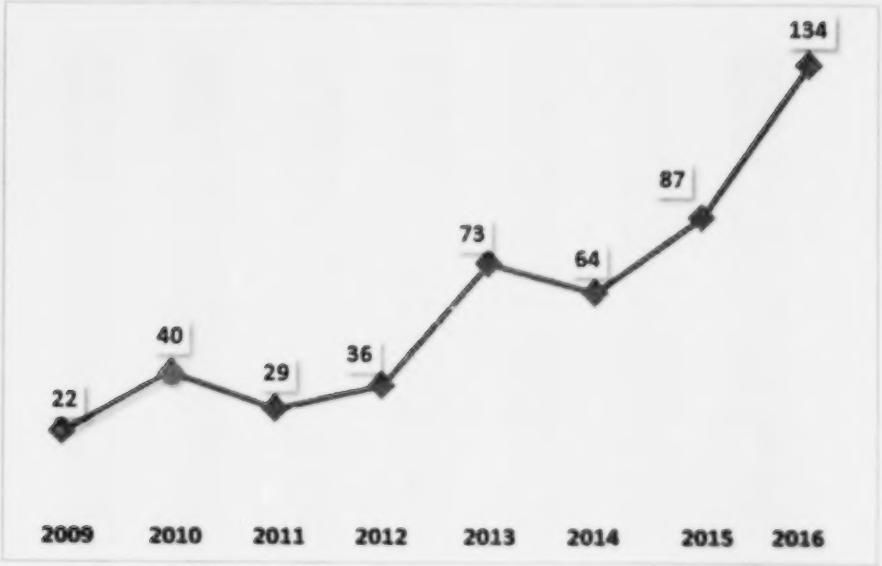
47. The challenge that often arises for managers in mediation is the process of approvals needed behind the scenes and outside the mediation, if the party representing the administration does not have the authority or the requisite delegation of authority to make commitments at the mediation table. In cases where senior officials, or representatives who have access to decision-makers, participate in mediation, the process can be very quick and a case can be completed with a successful outcome within a week. In situations where financial or other administrative measures require approval by various offices prior to the finalization of mediation, the process may take longer to close — in the range of several months — which helps to explain why extensions are sought in cases referred by the Dispute Tribunal or the Management Evaluation Unit.

48. In addition, the fact that there is a new and different manager at the table representing management in each mediation can be a challenge. There is no entity dedicated to supporting and guiding managers in mediation, specifically in terms of how their role in the process could be beneficial for the Organization, discussion about feasible solutions within the rules and facilitation of the approvals process.

B. Statistical overview of mediation cases

49. A review of trends and data since the establishment of the Mediation Service in 2009 reveals a steady increase in cases mediated, together with a better understanding of the benefits of mediation over time (see figure XVI). Although some of the challenges identified early on persist, important strides have been made in terms of laying the foundations for an efficient practice, building internal capacity and expertise in mediating workplace disputes in an organizational context and enhancing service delivery.

Figure XVI
Number of mediation cases opened, 2009-2016[7]

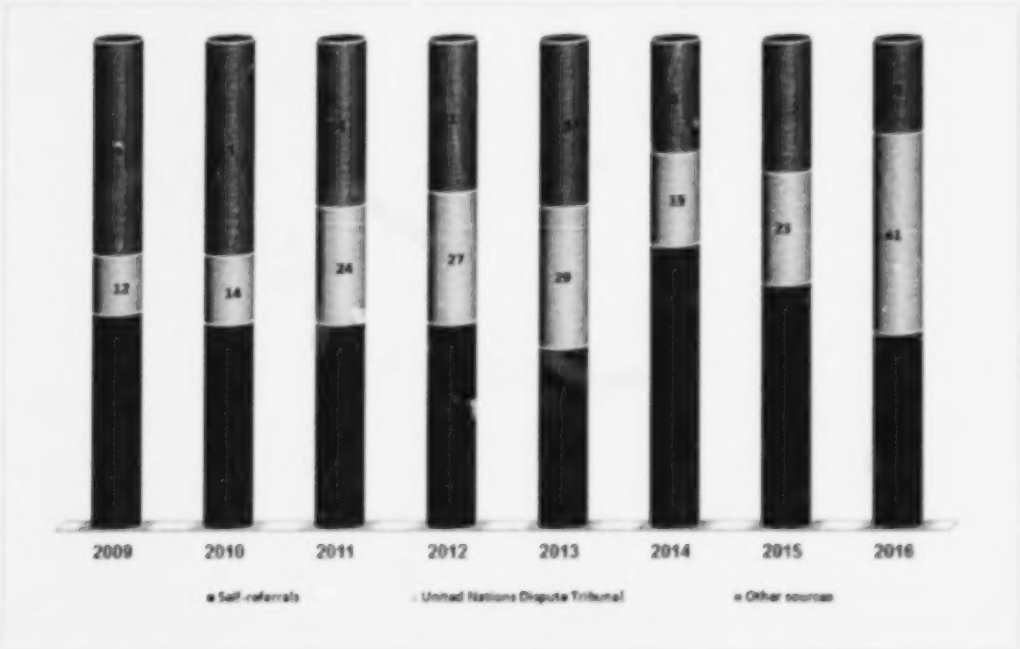


50. During the reporting period, 134 mediation cases, including 4 group processes, were opened. Of those, 97 emanated from the Secretariat, 10 from the funds and programmes and 27 from UNHCR. Mediation cases can involve two or more parties, depending on the complexity of the case. Group processes, which are documented as a single mediation case for each group, may include a variety of components, such as workshops designed to help teams enhance communication skills, team-building, individual coaching, informal resolution and the mediation of grievances. A group process can support team cohesion, boost team morale and address interpersonal or structural issues keeping the team from achieving their full potential. In 2016, four group processes were initiated by the Mediation Service, one of which is still ongoing. They included work with approximately 65 staff members, the largest group being 25 people and the smallest being 12.

51. For mediation cases in the Secretariat, the funds and programmes and UNHCR, 41 per cent (54 cases) were referred by the Dispute Tribunal (see the footnote to chart XVI), 40 per cent were self-referrals (i.e. the party or parties requested a mediation) and the remainder (19 per cent) were referred to mediation by other offices (the Ombudsman, the Office of Staff Legal Assistance, the Management Evaluation Unit and the administration, among others). The sources of mediation cases during the period from 2009 to 2016 are shown in figure XVII.

[7] The total number of mediated cases for 2015 (87), which appears as 78 in the previous report of the Secretary-General on the activities of the Office (A/71/157), has been corrected to include the figures from UNHCR and the funds and programmes. The total number of mediation cases in 2016 (134) included 53 individual orders of referral for mediation by the Dispute Tribunal, all related to similar issues triggered by a policy decision in the same peacekeeping mission.

Figure XVII
Mediation cases by source of referral, in percentages, 2009-2016[a]

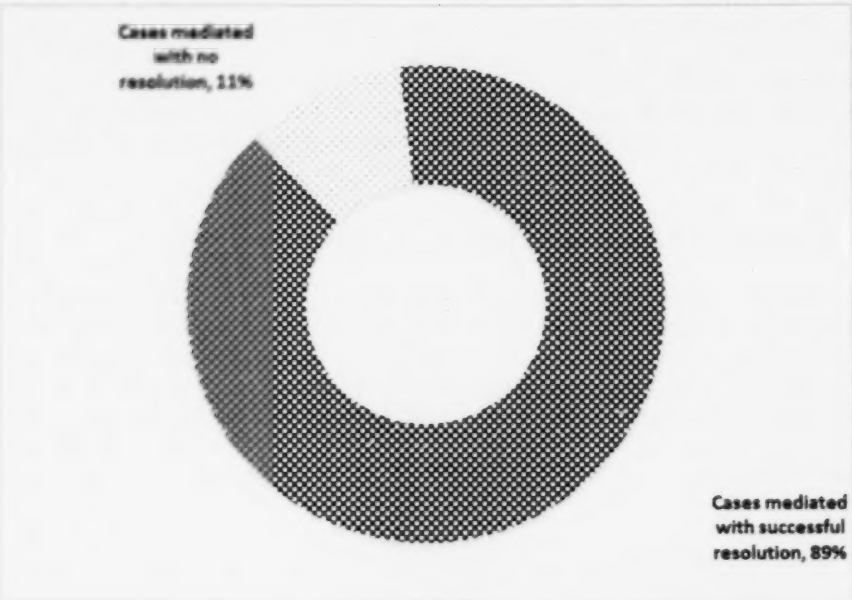


52. For the reporting year, and as in previous years, the cases dealt with by mediation were mostly related to job and career issues, followed by evaluative relationships and peer and colleague relationships.

53. Consistent with previous reports, the resolution rate of cases mediated across the Office has remained high, with 89 per cent of mediated cases in 2016 resulting in a successful outcome (see figure XVIII). Of the 134 cases opened in 2016, 64 were mediated and closed, 57 of which reached a resolution and 7 closed with no resolution. Fifty-eight cases could not proceed to mediation because one of the parties declined to mediate. Those 58 cases included 53 referrals for mediation by the Dispute Tribunal, all related to the same grievance in one peacekeeping mission. One case was resolved before mediation. Eleven cases remained open.

[a] The percentage of referrals by the Dispute Tribunal in 2016 is markedly higher (41 per cent) owing to the 53 individual referrals mentioned in the footnote to figure XVI. If the 53 cases were to be considered as one group case, the percentage of referrals for mediation by the Tribunal in 2016 would be 2 per cent.

Figure XVIII
Outcome of mediated cases, 2016



V. Root causes of conflict: systemic issues

54. Systemic issues exist independently of the individuals involved. Where recognized, they present an opportunity for the Organization to learn and effect positive change, which can contribute to preventing certain types of conflict. Many conflicts can be traced back to such issues, which may stem from gaps or inconsistencies in the policies, procedures, practices and structures of the Organization, or may be more deeply rooted, for example in the organizational culture or in a suboptimal alignment between purpose, goal and implementation.

55. Such systemic issues are identified through the cases and issues brought forward by staff, during interactions with the parties involved in conflicts, in the ongoing dialogue with stakeholders at Headquarters and in the field, and through direct observation. Such issues may require remedial measures and interventions which go beyond the resolution of individual cases and may become part of organizational development or reform.

56. The role of the Office in reporting on systemic issues can be likened to a smoke detector. It would then be for the Organization, with its access to broader information, to determine whether there is a (notional) fire and, if so, what kind of firefighting and/or fire prevention measures would be necessary, adequate and desirable. Another good analogy would be to look at the work on individual cases as being like the switch from treating an individual to addressing an issue as a public health matter. The analysis, consideration and judgment calls are similar, including as to what preventative and curative interventions should follow.

57. The Office is uniquely positioned to report on such issues, as it confidentially and impartially sees cases and meets with stakeholders throughout the hierarchy and across departments and duty stations, both at headquarters offices and in the field, including the most difficult duty stations. That allows the Office to see the system

from different perspectives, at all levels and the "points of collision" in a way that other offices cannot.

58. The fifteenth anniversary of ombudsman services in the Secretariat coincides with the first year in office of the new Secretary-General. This is therefore an opportune moment to highlight and review the systemic issues raised in previous reports that are still prevalent, in addition to noting some issues emerging in 2016. An overview of the issues reported to the General Assembly over time can be found in the table below.

A. Issues observed since the inception of the Office in 2002

59. In the present section, systemic issues are organized into two overarching groups: performance management and behaviour management, which have been problematic over time. The problem mainly arises when members of staff are not well equipped to have the difficult conversations necessary to achieve a harmonious and respectful workplace. It is useful to note, however, that addressing these issues should not require great resources and that it may be possible to achieve improvement simply by providing direction and paying attention to them at all levels.

1. Performance management

60. The Ombudsman has consistently reported on this issue and its various permutations. References to those reports can be found in the table below.

61. One core issue is that managers and staff at all levels often expend time and energy by going through the motions of the performance management system without fully optimizing the performance planning and management process at the departmental, office, service, unit and individual levels. It may seem more "efficient" in the moment, but has an impact on the Organization and individual staff members further down the line.

62. Part of the issue may be that managers and staff often do not seem to have the ability, or the incentive, to use the planning and management tools provided to them in a more meaningful way. The way in which the Organization holds its managers accountable for doing a good job in performance management could be greatly improved. The Office of Human Resources Management has already started to address performance management as an issue of behaviour change and organizational culture, instead of treating it solely as an issue of compliance with an administrative process. That is a promising and innovative way forward, as it addresses a real concern previously not tackled across the whole Organization. That approach can achieve its goals if it is embraced at the top level. The importance of the tone from the top in this respect has been highlighted in previous reports.

63. If the Organization values good management, it will express that in how it recruits, places, promotes, evaluates, assesses, develops and rewards good managers individually, and how it designs the incentive system for performance and behaviour management overall.

64. Another related issue is that managers seem reluctant to use performance management tools to legitimately point out shortcomings and encourage staff development, based on the experience of staff resisting such efforts by resorting to claims of harassment and abuse of authority. Conversely, staff members have reported that they sometimes feel that the performance evaluation is used inappropriately as a threat, rather than as a good faith effort to provide honest feedback for developmental purposes.

65. That points to a lack of a culture of dialogue within the context of performance management. It also points to the need to define harassment and abuse of authority better. Indeed, staff and managers — first and second reporting officers alike — may benefit from even more guidance on using the current performance management tools effectively and appropriately, so that there is no room for mistaking good faith management for improper abuse of authority. In particular, the steps built into the process to foster regular dialogue should be used to address any questions or differences as they arise. That way, there would not be a real or perceived need for anyone to resort to claims of wrongdoing in the context of performance management.

66. The concern about quality performance management in terms of the process and performance evaluations, involves both fairness to staff and risk mitigation for the Organization. In the context of downsizing missions, performance evaluations are a contributing factor to decisions about who stays, who can be placed elsewhere and who has to leave the Organization. If evaluations are not fair in relation to each other, the result may be that the Organization retains those with better evaluations to avoid exposure, even if that does not necessarily result in retaining the best staff. This issue also engages the leadership in general and second reporting officers, as managers of managers, in particular.

67. Good communication and people skills should be part of managerial skills, as should basic conflict-resolution skills. At the implementation level, performance management becomes a series of conversations, from work planning to regular feedback and other work discussions, from changes to the plan, coaching for development and to address underperformance. Some of those conversations are difficult for both managers and staff alike, which can lead to conflict. To address this, in cooperation with the Office of Human Resources Management, the Office piloted performance management clinics in 2016.

68. The clinics consisted of workshops and individual sessions, addressing the interpersonal complexities of the performance management process in a multicultural environment and focusing on strengthening the ability of both staff and managers to engage in meaningful exchanges in the context of conversations about performance. This concerted initiative was complementary to the workshops held by the Office of Human Resources Management on the application of policies, procedures and best practices in performance management. The clinics, attended by both supervisors and supervisees, provided support for the 2016/17 midpoint review. Additional workshops have been developed and will be delivered at headquarters offices and some offices away from headquarters for consecutive parts of the performance review cycle.

2. Behaviour management and accountability

69. The Office has reported on the connection between promoting and effectively enforcing a workplace free of misconduct, including harassment, discrimination and abuse of authority, and an efficient and credible investigation capacity to correct, or even deter, such occurrences. It is also important to counteract the perception that there is impunity for bad behaviour at all levels of the Organization, including at senior levels. When such behaviour persists without accountability, it can effectively result in permitting such behaviour by others and deterring its reporting. The Office reported on the fear of speaking out and its damaging effects on departments and the Organization as a whole in its previous report (A/71/157).

70. Examples of such abusive behaviour include yelling, bullying and intimidation. It is important for the Organization to continue to take steps to

encourage colleagues and managers to report such behaviour and to actively promote a culture where all staff are treated with respect and dignity at all levels.

71. This issue also plays an important role in the sometimes tense relations between internationally and nationally recruited staff in missions, where it can translate into security issues, or become an impediment to political access in host countries, as national staff are often well connected to the political elites of all sides with which the Organization needs to be working.

B. Emerging issues to be observed

72. Increasing pressures affecting staff productivity, health and morale include the following:

(a) Increasing stress levels beyond acceptable levels may be a factor in a perceived decrease of civility at the workplace resulting in sometimes overt confrontations between staff members;

(b) There may be a need for leadership to find the appropriate balance between, on the one hand, a duty of care for those who have been overexposed to stressful situations and are breaking down or burning out, which leads them to act inappropriately and, on the other hand, protection of the victims and firm boundary-setting along the values and norms of the Organization. In that regard, the leadership should take an active role and the burden of dealing with the behaviour of overwhelmed managers should not fall on the staff under their supervision;

(c) It has also been observed that managers increasingly struggle to keep up with a situation of growing demands and decreasing resources. This leads to misunderstandings and conflict at various levels and has a negative impact on staff morale and productivity;

(d) The already tense situation mentioned above is sometimes compounded by competing or even contradictory demands, because the various reform efforts do not appear to be optimally coordinated. More resources may be required to manage the important and transformational changes the Organization is undergoing;

(e) The importance of change management and communication strategies and the corresponding managerial skills, especially as regards downsizing in missions, cannot be overemphasized. Good change management that has the whole system in mind serves to optimize and secure the investment made by the Organization in change and helps affected staff to transition to a new situation, while respecting their dignity and contractual rights.

C. Staff survey

73. The Ombudsman commends the efforts of the Organization to solicit the views of staff on their workplace through a survey at large. The survey results could help to establish a global baseline on workplace conditions, as well as perceptions on productivity and workplace conflict, including its costs. With this effort under way, there may be an opportunity to design a strategy and recommendations based on the overall results.

Major systemic issues reported by the Ombudsman to the General Assembly

Issue	*Reference*
Selection, recruitment, placement and mobility	A/60/376 (para. 37); A/61/524 (paras. 58, 59, 60, 62-66); A/62/311 (paras. 41, 42, 43, 44, 45, 70); A/63/283 (paras. 42, 45 46, 47, 48, 50, 51, 60); A/64/314 (paras. 60, 61, 62, 76-81); A/65/303 (paras. 59-66); A/66/224 (paras. 59-66); A/67/172 (paras. 110, 111, 115)
Job and career	A/60/376 (para. 37); A/64/314 (para. 56); A/65/303 (paras. 59-66); A/66/224 (paras. 59-66); A/67/172 (paras. 110, 111); A/70/151 (para. 81)
Leadership	A/60/376 (para. 37); A/64/314 (paras. 66-71); A/65/303 (paras. 73-77); A/66/224 (paras. 84-86); A/67/172 (paras. 117-119); A/68/158 (paras. 64-66); A/69/126 (para. 53); A/70/151 (para. 67); A/71/157 (para. 88)
Performance management	A/60/376 (paras. 37, 46); A/61/524 (paras. 61, 74); A/64/314 (paras. 57, 58, 59); A/65/303 (para. 75); A/66/224 (para. 70); A/67/172 (paras. 107, 109-127, 130); A/68/158 (paras. 61-66); A/69/126 (paras. 52, 53, 57); A/70/151 (paras. 67, 81); A/71/157 (para. 46)
Behaviour management	A/64/314 (paras. 69, 74); A/65/303 (para. 78); A/66/224 (para. 69); A/67/172 (para. 121); A/68/158 (paras. 61, 67-69); A/69/126 (paras. 45, 56); A/70/151 (paras. 63-70); A/71/157 (para. 82)
Fear of speaking out	A/60/376 (para. 37); A/63/283 (paras. 40, 52); A/64/314 (para. 73); A/65/303 (paras. 72, 78); A/66/224 (para. 92 (2)); A/68/158 (paras. 70, 73, 74); A/71/157 (paras. 75-80)
Investigation	A/61/524 (paras. 53, 56); A/63/283 (para. 52); A/64/314 (paras. 72-75), A/65/303 (para. 83); A/66/224 (paras. 81-83); A/67/172 (paras. 121, 140-142, 145, 146); A/68/158 (paras. 61, 67-69, 72); A/69/126 (paras. 54, 55, 57); A/70/151 (paras. 71-73); A/71/157 (paras. 81-83)
Organizational reform, leadership and change management	A/61/524 (paras. 51, 53, 54); A/64/314 (94); A/65/303 (paras. 67, 75); A/66/224 (paras. 76, 84-86); A/67/172 (paras. 115, 122, 133, 134); A/70/151 (paras. 83-86); A/71/157 (paras. 73, 74)
Duty of care	A/61/524 (para. 67); A/62/311 (para. 52); A/64/314 (paras. 88-91); A/65/303 (paras. 94, 96, 97); A/66/224 (paras. 87, 90-92); A/68/158 (paras. 78-81); A/69/126 (paras. 48-51, 64); A/70/151 (paras. 78, 79); A/71/157 (paras. 58-65)
Mental health	A/61/524 (para. 67); A/62/311 (para. 52); A/64/314 (paras. 86-91), A/65/303 (paras. 91-97); A/66/224 (paras. 87, 90-92); A/67/172 (paras. 91-93); A/70/151 (para. 67); A/71/157 (paras. 58, 59)
Partial medical clearances	A/66/224 (paras. 90-92); A/68/158 (paras. 61, 78, 79); A/69/126 (paras. 48-51); A/71/157 (paras. 66-69)
Sick leave administration	A/66/224 (paras. 91, 92); A/68/158 (paras. 78-82); A/71/157 (paras. 66-69)
Entitlements and benefits	A/60/376 (para. 37); A/61/524 (paras. 69, 72); A/64/314 (paras. 82-85); A/65/303 (paras. 85-89); A/66/224 (paras. 76-80); A/69/126 (paras. 43, 45, 49); A/71/157 (paras. 63-65, 70, 74)
Administration issues	A/60/376 (para. 37); A/61/524 (paras. 72, 73, 74); A/62/311 (paras. 47, 48, 50); A/63/283 (paras. 43, 49); A/64/314 (para. 51); A/65/303 (paras. 60, 65); A/66/224 (paras. 74-80, 87, 92); A/67/172 (para. 160); A/69/126 (paras. 50, 53); A/70/151 (82); A/71/157 (paras. 64, 68, 70-74)

Issue	*Reference*
Gender equality	A/60/376 (para. 37); A/61/524 (para. 58); A/64/314 (paras. 82-85); A/66/224 (para. 62); A/67/172 (para. 96); A/71/157 (paras. 84-89)
Diversity	A/60/376 (para. 37); A/66/224 (para. 73); A/67/172 (paras. 109, 113); A/71/157 (para. 88)

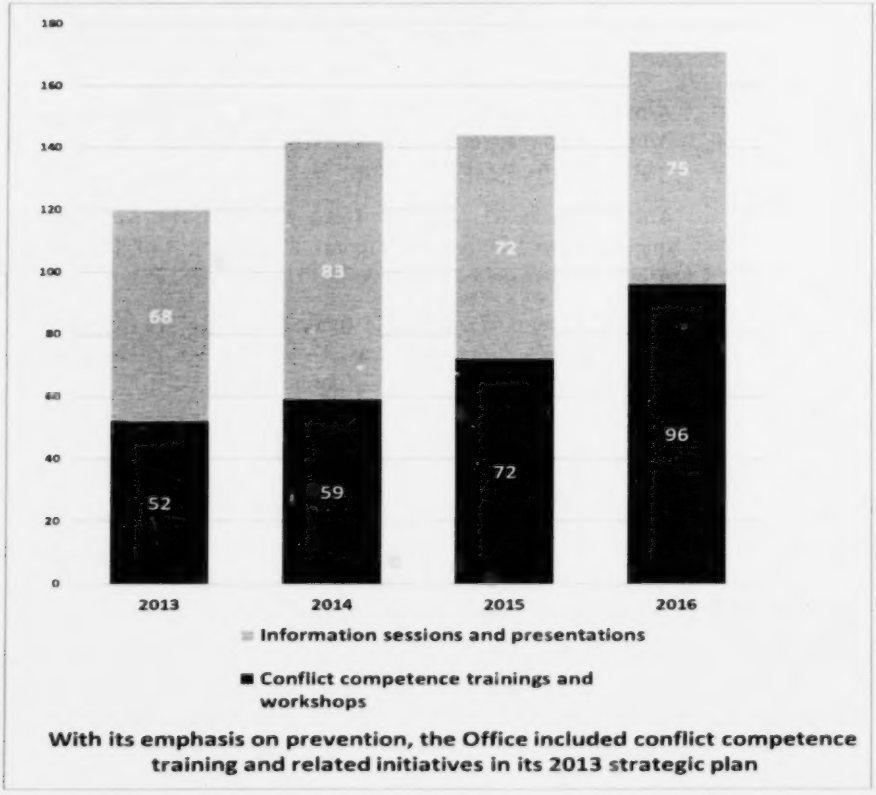
VI. Outreach activities and partnership-building in the Secretariat

A. Outreach activities in 2016

74. In paragraph 22 of its resolution 71/266, the General Assembly encouraged the Office to intensify its outreach activities. In paragraph 25 of that resolution, the Assembly emphasized the importance for both staff and managers of understanding and adopting conflict competency skills in order to prevent conflicts, cope with potential or actual conflicts and maintain resilience.

75. In 2016, the Office conducted a total of 354 outreach activities, which included 171 workshops, training sessions, information sessions and presentations, targeting over 4,000 staff, and 170 meetings with senior officials and partnership consultations with internal and external stakeholder groups (see figure XIX).

Figure XIX
Skill-building activities in the Secretariat, 2013-2016



76. As the demand for informal conflict resolution grows, the Office continues to expand its outreach activities, partnership mobilization and conflict competence initiatives to promote and inform staff of the benefits of informal conflict resolution in the United Nations system and strengthen the skills and understanding of staff on how to deal effectively with workplace conflict.

77. The bulk of activities can be categorized as follows:

(a) Information sessions which include presentations, town hall meetings and inductions, mostly in the format of briefings containing question-and-answer sections. The main purpose is to provide information about the Office and informal resolution, including some elements of conflict competence;

(b) Conflict competence training sessions and workshops, which are a combination of lectures, exercises and other interactive elements that aim to help participants understand the nature and sources of workplace conflict and explore practical approaches for dealing with it;

(c) Meetings with senior officials and internal and external stakeholder groups, which form part of the partnership and stakeholder engagement efforts of the Office. These meetings include senior officials at the policymaking and decision-making level, officials dealing with administration, such as in the Office of Human Resources Management, the Department of Field Support or peacekeeping missions, the formal system of administration of justice, staff associations, medical services and staff counsellors.

78. As part of the outreach strategy implemented in 2016, the regional office in Vienna, in cooperation with the United Nations Office at Vienna, hosted a conflict resolution day at the Vienna International Centre in June and organized a series of skills-building workshops focused on the themes of emotions, change and cooperation in a diverse work environment. The workshops offered invaluable insights and strategies for maximizing the ability of staff and managers to work productively together and improve communication.

79. The regional office in Bangkok organized three workshops in Cambodia for staff of the United Nations Assistance to the Khmer Rouge Trials, providing them with tools to address unwanted behaviour in the workplace and to give and receive feedback effectively. In addition, a workshop focusing on the guidelines for managers set out in the Secretary-General's bulletin on the prohibition of discrimination, harassment, including sexual harassment, and abuse of authority (ST/SGB/2008/5) was conducted for a small group of stakeholders. Feedback received from participants in all three workshops was exceedingly positive.

80. In April 2016, at the request and initiative of the United Nations Multidimensional Integrated Stabilization Mission in Mali, the regional office in Goma, Democratic Republic of the Congo, conducted in Bamako a bilingual (French and English) four-day training course for trainers on resilience, which included conflict resolution and negotiation competence. The course was aimed at strengthening the ability and confidence of staff members to prevent, minimize or resolve disputes at their workplace. It provided participants with the tools to understand and approach disputes or conflicts covering specific topics, such as giving and receiving feedback and dealing with criticism constructively, in addition to presenting the kind of services the Office offers. The training targeted 20 peer-helpers in the mission and their feedback was excellent.

81. During a mission in Abyei in March 2016, the regional office in Entebbe, Uganda, invited staff of the United Nations Interim Security Force for Abyei to a conflict competence workshop on effective conflict management. The same workshop was organized for staff in Kadugli, Sudan, and Gok Machar, South Sudan.

During each session, a short presentation was conducted on the mandate and role of the Office. Feedback from participants revealed a high level of satisfaction with the workshop and included a request to hold such workshops regularly, since the session had been helpful in addressing workplace concerns.

82. As part of its outreach mission, the regional office in Santiago visited nine countries where 23 half-day workshops were organized. The sessions, entitled "Management and prevention of abuse and harassment in the workplace", "Conversational tools and workplace conflict prevention" and "Effective and happy teams" aimed to increase staff knowledge of the Standards of Conduct, clarifying the role of the Ombudsman and providing practical conflict resolution tools, such as the "Take 5" conversation. The sessions were attended by a total of 367 staff. Over 90 per cent of participants felt that the tools presented during the sessions would be very useful for managing conflict in the workplace.

83. Workshops on managing conflict effectively and mediation skills to manage conflict for staff, managers and supervisors were conducted by the regional office in Geneva for the United Nations Office at Geneva and the Office of the United Nations High Commissioner for Human Rights. The workshops were aimed at strengthening the ability and confidence of staff members to prevent, minimize, or resolve disputes at their workplace. Participants were provided with tools for understanding and how to approach disputes or conflicts.

84. The Secretariat office in New York conducted a series of monthly induction and conflict competence sessions that were open to staff members across Headquarters. Conducted as ongoing monthly sessions, the workshops were well attended and received excellent feedback. The promotion and presentation of the workshops provided participants with useful tools for managing conflict in the workplace and helped to raise staff members' awareness of the Office, its principles and services. The Office plans to continue these sessions in 2017.

B. Innovative measures to expand impact and reach

85. The Office has expanded its strategic use of data and multilingual surveys and questionnaires as tools for receiving feedback and spotting trends and patterns. The information thus gathered enhances the ability of the Office to develop customized services, tailoring training programmes to the needs of the various headquarters offices, field units and peacekeeping missions.

86. In addition, the Office utilizes tools to measure workplace factors that have an impact on workforce resilience, particularly in areas related to stress, conflict and productivity.

Pre-intervention surveys

87. The Office has strengthened the design and implementation of pre-intervention surveys, which are conducted before a field office or a peacekeeping mission are visited. The survey aims to initiate dialogue, identify the main workplace issues and gauge the level of awareness of staff of informal conflict resolution. Another purpose of conducting a survey prior to a conflict resolution mission is to detect ongoing workplace conflicts, prevalent issues and the time spent on dealing with such issues. That information is helpful for designing training, workshops and outreach materials for each department, field unit or peacekeeping mission and enables the Office to provide customized responses to staff.

88. In 2016, the confidential and anonymous pre-intervention survey was sent to 38 Secretariat offices, departments, and missions located in 19 countries in Africa,

Asia, Latin America and the Caribbean, and at Headquarters: 1,060 individuals answered the questionnaire. The findings are detailed in section I.B of the present report.

Focus group discussions

89. The Office organized a series of focus group discussions, led by an ombudsman or mediator, across different offices of the Secretariat in several regions. The aim was to understand better the factors that contribute to workplace conflict, to discover how workforce resilience is affected by stressors and conflicts, and to explore the link between conflict and productivity. The expected outcome was the collection and analysis of data that would help to identify ways for staff, managers and the Organization as a whole to deal with conflict factors more effectively.

90. Seventeen focus groups were conducted in 2016 and in total, 139 staff members took part. The discussions in each of the groups explored the determinants and impacts of workplace conflicts and the different ways to prevent or reduce those conflicts.

C. Strengthening partnerships within the Secretariat

1. Engagement with stakeholders

91. The engagement of the Office with the Office of Human Resources Management, in particular with the leadership, learning and organizational development services, was further strengthened by collaborating on a variety of issues to ensure that systemic feedback by the Office would be taken into account, as necessary. Those issues included leadership, performance and behaviour management, gender equality, the interplay between formal and informal justice and the role of human resources. Beyond regular quarterly meetings, the collaboration included presentations on systemic issues to the annual Learning Officers conference to leverage the potential of the participants to be "multipliers" in bringing about systemic change for selected issues reported by the Ombudsman.

92. Examples include leadership and management training, promoting a workplace free of discrimination, harassment and abuse of authority, and the inclusion of unconscious biases in the diversity and inclusion training programmes. Similarly, the Office gave a presentation at the Global Human Resources Conference, held from 13 to 15 June 2016 in New York, on delivering services, sharing how poor performance or behaviour management impacts the delivery of services within the Organization and how the Office can offer support.

93. The Office continued to collaborate with the Department of Field Support through regular meetings and information exchanges regarding developments that affect staff in peacekeeping missions.

94. The Office continued its regular engagement with the Ethics Office on areas of mutual interest, including collaborating on the United Nations Leadership Dialogue 2016.

95. Of particular importance in 2016 was the institutionalization of a stakeholder forum at the United Nations Office at Geneva, under the leadership of the Director-General and constituted by the Human Resources Management Service, the Office of the Staff Counsellor, the Medical Service, the Centre for Learning and Multilingualism, the Staff Coordinating Council (staff union) and the Office of the Regional Ombudsman for Geneva. Other offices are also invited to participate,

depending on the issues on the agenda. Meetings are chaired by the regional ombudsman or the Staff Counsellor in his absence.

96. The Office maintains regular contact with national staff associations at various duty stations, the Field Staff Union and other staff representatives to discuss issues affecting staff at large or in specific locations, areas requiring improvement or where progress may have been made to address previously raised issues. The Office also engages with staff representatives in conducting its outreach activities, delivering training sessions and other activities described earlier in this section.

97. The Office continued to engage with other ombudsmen in the United Nations system through the Network of Ombudsmen and Mediators of United Nations and Related International Organizations. During its annual meeting held in Vienna in 2016, the group discussed, among other topics, the implications of systemic interventions and the role of ombudsmen and mediators as organizational change agents.

2. Cooperation between the informal and formal parts of the internal system of administration of justice

98. In paragraph 24 of its resolution 71/266, the General Assembly requested detailed information from the Secretary-General on efforts to further enhance cooperation between the informal and formal parts of the system of administration of justice.

99. To facilitate collaboration on the resolution of disputes emerging from administrative decisions, the Office continued to cooperate with the different offices that form the formal system of justice. In 2016, the Office maintained its engagement with the Dispute Tribunal, the Management Evaluation Unit and the Office of Staff Legal Assistance.

100. In Geneva, Nairobi and New York, staff of the Office frequently liaised with the registries and judges of the Dispute Tribunal, as appropriate, and encouraged the settlement of cases through mediation.

101. Collaboration with the Office of Staff Legal Assistance was useful for resolving conflicts as early as possible by informal means and for clarifying the legal framework of emerging issues. The Office of Staff Legal Assistance can promote the informal resolution of conflicts early in the process. In that regard, it refers cases to the Office of the Ombudsman and Mediation Services that are deemed to be more amenable to informal resolution. Conversely, the Office of the Ombudsman and Mediation Services makes a recommendation to its visitors to consult the Office of Staff Legal Assistance when the issues presented are deemed not amenable to informal resolution.

102. In the context of ongoing efforts to streamline the referral processes between the formal and informal systems, the mediation service of the Office of the Ombudsman and Mediation Services, in conjunction with the Management Evaluation Unit and the Office of Staff Legal Assistance, organized a session on the theme of "Why to refer and what to refer to informal resolution". Among other areas, the activity focused on the types of issues amenable to mediation and the benefits of mediation.

VII. Enhancing access to the ombudsman and mediation services

A. Access to the ombudsman and mediation services for field staff

103. In its resolution 71/266, the General Assembly, having recognized that access continues to be a challenge for field staff, including for those in special political missions, encouraged the development of innovative measures to address those challenges.

104. Getting access to the ombudsman and mediation services is a challenge for field staff in regions where the Office does not have a presence. For many staff in the field, familiarity with the use of the Internet, even when it is available, cannot be taken for granted and contacting the Office can be a further challenge, given differences in time zones and language barriers. Even where the Office encourages the use of Internet technologies for face-to-face communication, some staff are fearful of the possibility of confidential and private information being exposed.

105. To compensate for the absence of offices in most duty stations, the Office regularly visits peacekeeping operations and special political missions where it has no physical presence. However, limited time on the ground frequently means having to choose who to serve and who not to serve. With the continuing reductions in the budgetary allocation for travel, access is likely to become even more constrained.

B. Access to the ombudsman and mediation services for non-staff personnel

106. In paragraph 18 of its resolution 71/266, the General Assembly requested information on disputes involving non-staff personnel and on existing measures to institutionalize good management practice to manage disputes for personnel of this category.

107. Owing to limited resources, the Office cannot provide non-staff personnel with the full range of services that are available to staff members, but it nevertheless receives non-staff personnel directly seeking assistance. In practice, it is difficult to reject cases from non-staff personnel when the issues involve a staff member or the administration. Complaints about interpersonal issues in particular can impact an entire office and failure to intervene can compromise office productivity and the delivery of the mandate. The risk is further heightened in field mission environments.

108. In view of the trend towards an increasing number of non-staff on the workforce, as noted by the Joint Inspection Unit (JIU/REP/2014/8), the Office would face a challenge if the number of non-staff seeking its services increased further. While the Office considers it important to provide services to all United Nations personnel, permitting non-staff personnel of the Secretariat to access the informal system would necessitate additional resources. The additional resources that would be required were reported to the General Assembly at its sixty-seventh session (see A/67/265 and Corr. 1, annex 5). While the resources requested at that time remain the same, the amounts would have to be adjusted to the applicable costs of the year of implementation.

C. Strengthening resources for enhanced informal conflict resolution

109. In paragraph 47 of resolution 71/266, the General Assembly decided to consider at its seventy-second session issues related to resource requirements for

improving the functioning of a transparent, professional, adequately resourced and decentralized system of administration of justice at the United Nations.

110. The Office has been experiencing a substantial increase in workload as it has embarked on more preventative skills development activities, which require an analysis of needs, the acquisition of skills and a corresponding change in the organizational culture. Additionally, more work has been done to conduct quantitative and qualitative analyses of the issues facing staff to determine appropriate interventions and provide meaningful feedback to management. In order to carry out those enhanced functions, the Office would benefit from the addition of one P-3 Analyst post to its staffing table.

111. The increased caseload throughout the regions has also resulted in the need for a more robust coordination mechanism to support global operations, case work, systemic analysis and outreach. An Administrative Officer at the P-4 level, supporting the Chief of the Office, is needed to address the increased workload.

112. Finally, given the constituencies served by the Geneva and Nairobi regional offices and the requests to support cases emanating from the Dispute Tribunals, including through mediation, the addition of one P-4 Conflict Resolution Officer in both Geneva and Nairobi would greatly enhance services to staff.

VIII. Future directions

113. Marking 15 years since the establishment of the Ombudsman and Mediation Service at the United Nations provides an opportunity to reflect on both the past and the future.

114. Much has been accomplished since the United Nations invested in the creation of a full-time, professional ombudsman programme in 2002. From the outset, when the programme was still a small headquarters-based operation, the first ombudsmen who were involved in its establishment ensured that efforts were made to operate the Office according to generally accepted professional standards. That provided a compass, which guided the development of the Office over the years and ensured integrity in both structure and operation. In 2015, those same standards served as an important point of reference for the review by the Joint Inspection Unit of the organizational ombudsman services across the United Nations system (JIU/REP/2015/16). Going forward, it is important for the Organization to support continued adherence to those standards.

115. As the Office has continued to enhance and refine its services, an emphasis on identifying systemic issues, policies and procedures that contribute to conflicts and problems, has become a regular analytical approach to its work. Working as a neutral mediator or problem-solver still allows the Office to work side by side with staff and management to identify areas in the Organization which can be improved, unlike other functions which adjudicate or make determinative findings. One of the values of the Office is the ability to both identify systemic issues and work with the Organization and its leadership as they seek to improve the system.

116. Furthermore, the Office has embarked on initiatives to better collect and analyse data in order to diagnose the challenges facing the Organization and help to identify appropriate interventions. By providing useful data and identifying patterns and trends across various areas of the system, the Office provides valuable feedback, which can improve the Organization.

117. In recent years, with the development of its strategic plan, the Office has focused on the promotion of skills-based training to enhance the conflict

competence of staff and managers. That strategy has been well received in the Organization. In paragraph 25 of its resolution 71/266, the General Assembly emphasized "the importance for both staff and managers to understand and adopt conflict competency skills in order to prevent conflicts, cope with potential or actual conflicts and maintain resilience".

118. All these efforts have led to the Office being recognized as particularly effective. An external review conducted in 2012 by an independent panel of experts cited the successes of the Office in communicating its services, acting as an organizational change agent and engaging in and overcoming challenges, including the administrative demands of branching out to seven new locations, all within an organizational environment that poses significant challenges for informal conflict resolution.

119. In its report of 2016 on the United Nations system of administration of justice, the Interim Independent Assessment Panel stated that many managers in the field valued the role of the Ombudsman. Managers at one duty station informed the Panel that 50 per cent of possible litigation cases had been averted by using the informal system. They attributed this success to the engagement of the leadership at the highest level and collaborative communication with the Ombudsman in order to identify problems at an early stage (see A/71/62/Rev.1, para. 116). That serves as a solid base on which to build for the future.

120. It is clear that the United Nations has embraced the Office and the idea of continuously improving the Organization. Nevertheless, there is much more work to be done. The Organization must continue to recognize that its system of checks and balances, designed with the intent, in part, to foster accountability, also creates a bureaucratic machine, which is often unresponsive, slow to change and not always encouraging to individual accountability or creativity. That model is ultimately unsustainable in today's environment. The United Nations should continue to seek a better balance between the rights afforded to staff and the responsibilities of staff, seek leaders who are not only substantive experts but sound managers, work harder to establish a culture of respect and civility, and endeavour to be more willing to integrate external best practices and efficiencies. All of that, however, requires a recognition that the political structure of the United Nations makes it challenging, as it is an environment where mandates never cease to expand, while funding and resources are increasingly limited.

121. Nevertheless, the Office remains encouraged that the United Nations has taken strides in improving its systems and structures and continues to seek ways to move forward. Those who work in the system are dedicated to advancing the important mandates of the Organization. Investing in them by encouraging a resilient workforce and harmonious and respectful workplace may be one of the most important areas to attend to in the coming years.

122. A strong informal conflict resolution system in the United Nations serves the primary goal of preventing and managing conflicts and problems that can distract staff and managers from the important work at hand. It is important that staff and managers continue to have access to such a resource as they carry out their duties. The success of the Organization is dependent on the men and women who dedicate their lives to this important work. At its heart, the United Nations can only reach as far as the people who serve in it can extend.

Annex

[English only]

Core principles of the Office of the United Nations Ombudsman and Mediation Services

As the informal pillar of the system of administration of justice at the United Nations, the Office of the United Nations Ombudsman and Mediation Services uses informal and collaborative approaches to resolve workplace conflict. It is guided by the core principles of independence, neutrality, confidentiality and informality, which are summarized below.

Independence

The Office maintains independence from other organizational entities, organs or officials and has direct access to the Secretary-General, the executive heads of the funds and programmes, the United Nations High Commissioner for Refugees and senior management throughout the Organization, as needed. It has access to information relevant to cases, except medical records, and access to individuals in the Organization who request advice, information or an opinion on any particular matter.

Neutrality

The Office serves as an advocate for fair and equitably administered processes, not on behalf of any individual within the Organization, taking into account the rights and obligations of the Organization, the staff member and the equity of the situation.

Confidentiality

The Office maintains strict confidentiality and does not disclose any information about individual cases or visits from staff members. Its staff members cannot be compelled by any United Nations organ or official to testify or disclose information about cases.

Informality

In respect of its informality, the Office does not keep records for the United Nations or any other party. It does not conduct formal investigations or accept legal notice on behalf of the United Nations. It does not have decision-making powers, nor does it make determinative findings or judgments.